IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.103 OF 2006
IN
SECOND APPEAL NO.883 OF 2005

Sau Suchitabai Baburao Chavan & Anr. ..Applicants.

V/s.

Sau Rukhminibai M. Jajoo & Ors. ..Respondents.

Ms.Pritam Tendulkar for applicants.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 27, 2006.

P.C. :

1. Heard.

2. The explanation offered in the application to my mind is not sufficient cause. Advocate on record is expected to ensure that atleast some other advocate will make request to the court for keeping back the matter. Atleast that much courtesy is expected from the advocate on record. If no such request is made, the court has no option but to dismiss the matter for default. However, as the litigant should not suffer for the mistake of advocate, application is allowed on condition that advocate on record shall pay costs to the High Legal Services Committee quantified at Rs.500/- within one

week from today, failing which office to proceed on the assumption that the application is dismissed for non-prosecution.

3. If amount is paid in time and receipt is produced in the office, Second appeal be restored to file to its original number and to be proceeded as per its turn.